UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1997/SR.57
18 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 57th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 11 April 1997, at 3 p.m.

Chairman: Mr. SOMOL (Czech Republic)

CONTENTS

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.97-12202 (E)

CONTENTS (continued)

INDIGENOUS ISSUES (continued)

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS (continued)

The meeting was called to order at 3.30 p.m.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(agenda item 8) (continued) (E/CN.4/1997/L.51, L.54, L.56-L.58 and L.79; E/CN.4/1997/2-E/CN.4/Sub.2/1996/41)

Draft resolution on the question of enforced or involuntary disappearances (E/CN.4/1997/L.54)

1. Mr. BERNARD (France), introducing the draft resolution on behalf of its sponsors, said it urged States to cooperate with the Working Group on Enforced or Involuntary Disappearances and to give effect to legislation on such disappearances. He hoped that it would be adopted by consensus.

2. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Brazil, Cuba, Ecuador and the Russian Federation and the observers for Equatorial Guinea, Israel and Senegal had become sponsors of the draft resolution.

3. Mr. ALFONSO MARTINEZ (Cuba) said he would like to be reassured that the decision by a country not to invite the Working Group, as provided for in paragraph 4, subparagraph (d), or to postpone such an invitation, would not be held against the country in question. Some working groups received a negative impression if the invitation they sought was not immediately forthcoming.

4. Mr. BERNARD (France), noting that the delegation of Cuba was a sponsor of the draft resolution, said that the subparagraph in question contained no elements tending to any derogatory conclusion if a country did not issue an invitation.

5. Draft resolution E/CN.4/1997/L.54 was adopted.

Draft resolution on the right to freedom of opinion and expression (E/CN.4/1997/L.56)

6. Ms. NÖLKE (Canada), introducing the draft resolution on behalf of its sponsors, said that a new element was the recognition that those who exercised the right to freedom of expression were frequently victims of long-term detention and extrajudicial killing. The resolution also tackled the challenge posed by new communications technologies. As the result of

discussions with interested delegations, the last two lines of paragraph 10 were to be deleted; the paragraph would thus end with the words "freedom of expression;".

7. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Bangladesh, Colombia, Dominican Republic, Ecuador, Egypt, El Salvador, Madagascar, Nepal, Philippines, Russian Federation, Uganda, Ukraine, United States of America and Uruguay and the observers for Equatorial Guinea, Greece, New Zealand, Poland, Romania, Togo and Venezuela had become sponsors of the draft resolution.

8. Draft resolution E/CN.4/1997/L.56, as orally revised, was adopted.

Draft resolution on hostage-taking (E/CN.4/1997/L.57)

9. Mr. URRUTIA (Observer for Peru), introducing the draft resolution, of which the representatives of Algeria, Bangladesh, Belarus, Bhutan, Dominican Republic, India, Indonesia, Ireland, Italy, Madagascar, Netherlands, Nicaragua, Philippines, Republic of Korea, Sri Lanka, United Kingdom and United States of America and the observers for Australia, Costa Rica, Cyprus, Equatorial Guinea, Greece, Iraq, Israel, Poland, Portugal, Spain and Venezuela had become sponsors, said that all regions, religions, cultures and legal systems in the world were united in condemning the practice of hostage-taking. At the current session, his delegation felt a particular obligation to introduce the draft resolution, which, inter alia, invited non-governmental organizations (NGOs) to join States in condemning acts of hostage-taking.

10. Draft resolution E/CN.4/1997/L.57 was adopted.

Draft resolution on torture and other cruel, inhuman or degrading treatment or punishment (E/CN.4/1997/L.51)

11. Mr. FREDERIKSEN (Denmark) said that, as a result of constructive consultations, the sponsors had revised paragraph 18 to read:

> "18. Commends the Special Rapporteur for his work as reflected in his report (E/CN.4/1997/7);".

12. Mr. LI Baodong (China) said that his delegation was still not completely satisfied with paragraph 18 as revised, but would agree to join the consensus out of consideration for the wishes of the developing countries. However, he emphasized that, if there were to be a vote on paragraph 18, his delegation would abstain.

13. Draft resolution E/CN.4/1997/L.51, as orally revised, was adopted without a vote.

Draft resolution on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms (E/CN.4/1997/L.58)

14. Mr. LILLO BENAVIDES (Chile), introducing the draft resolution on behalf of its sponsors, said it was designed to help the victims of grave violations of human rights to receive reparation and to encourage the introduction of

legislation to that end in States where it was lacking. He hoped that the draft resolution, which could make an effective contribution to solving the problem of reparation, would be adopted without a vote.

15. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Angola, Germany, Madagascar and the Philippines and the observer for Equatorial Guinea had become sponsors of the draft resolution.

16. Draft resolution E/CN.4/1997/L.58 was adopted.

Draft resolution on the question of arbitrary detention (E/CN.4/1997/L.79)

17. Following a procedural discussion, in which Mr. ALFONSO MARTINEZ (Cuba), Mrs. KLEIN (Secretary of the Commission) and Mr. BERNARD (France) took part, the CHAIRMAN suggested that consideration of the draft resolution should be deferred until the proposed Cuban amendment thereto (E/CN.4/1997/L.99) was available in all languages. The two could then be considered together and with a revision made by the sponsors.

18. It was so decided.

Draft decisions recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (E/CN.4/1997/2-E/CN.4/Sub.2/1996/41)

Draft decision No. 5 on the right to a fair trial

19. Draft decision No. 5 was adopted.

Draft decision No. 6 on the question of human rights and states of emergency

20. Draft decision No. 6 was adopted.

INDIGENOUS ISSUES (agenda item 24) (continued) (E/CN.4/1997/L.63, 70 and 77; E/CN.4/1997/2-E/CN.4/Sub.2/1996/41)

Draft resolution on a permanent forum for indigenous people in the United Nations system (E/CN.4/1997/L.63)

21. Mr. OLSEN (Denmark), introducing the draft resolution, which had more sponsors than ever before and was based on extensive consultations with a large number of interested delegations and representatives of indigenous peoples, said that it endorsed the recommendation of the General Assembly that a second United Nations workshop on the permanent forum should be held and he hoped that it would be adopted by consensus.

22. Mrs. KLEIN (Secretary of the Commission) said that the representative of Ecuador and the observers for Costa Rica and Equatorial Guinea had become sponsors of the draft resolution.

23. Mr. COMBA (Centre for Human Rights) said that the costs of the second workshop would be met from contributions to the Voluntary Fund for the International Decade of the World's Indigenous People.

24. Draft resolution E/CN.4/1997/L.63 was adopted.

Draft resolution on the working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994 (E/CN.4/1997/L.70)

25. Ms. PATTERSON (Canada) said that a significant feature of the draft resolution, which would authorize a third session of the working group, was that it recognized the importance of ensuring that indigenous people were represented in the working group's deliberations. Such efforts to foster mutual understanding, respect and cooperation were necessary in order to ensure the declaration's effectiveness.

26. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Argentina, Brazil, Ecuador, Nicaragua and the United States of America and the observer for Estonia had become sponsors of the draft resolution.

27. Mrs. RUBIN (United States of America) said that, two years previously, her delegation had been instrumental in establishing the working group to elaborate a draft declaration and the mechanism to ensure the participation of indigenous people in that process. Her Government had adopted a policy of consulting directly with tribal governments and indigenous peoples on issues affecting their lives; that same principle must be applied within the working group.

28. Mr. COMBA (Centre for Human Rights) said that the 10-day session of the working group authorized by the draft resolution would be serviced by staff of the Centre for Human Rights and that the costs thereof would be absorbed from existing resources in the 1996-1997 programme budget. Conference services for the session would be financed from existing resources under section 26E of the 1996-1997 programme budget.

29. Draft resolution E/CN.4/1997/L.70 was adopted.

Draft resolution on the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People (E/CN.4/1997/L.77)

30. Ms. WILSON (Observer for New Zealand) said that there were two technical corrections to be made to the draft resolution. In paragraph 14, the word "and" in the fourth line should be deleted. In paragraph 17 (a), the word "bases" should be changed to "basis".

31. The draft resolution underlined the Commission's determination to promote the human rights and fundamental freedoms of indigenous people and proposed further steps towards realizing the goals of the International Decade through enhanced international cooperation. She hoped that it would be adopted by consensus.

32. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Argentina, Brazil, Colombia, Nicaragua and the Russian Federation had become sponsors of the draft resolution.

33. Mr. COMBA (Centre for Human Rights) said that the Working Group meeting referred to in paragraph 4 of the draft resolution could be financed from existing resources under the 1996-1997 programme budget.

34. Draft resolution E/CN.4/1997/L.77 was adopted.

Draft decisions recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (E/CN.4/1997/2-E/CN.4/Sub.2/1996/41)

35. The CHAIRMAN said that draft decisions 7 and 8 had been superseded by the Commission's adoption of draft resolution E/CN.4/1997/L.77 and that draft decision 9 had been superseded by the adoption of draft resolution E/CN.4/1997/L.63.

36. The penultimate sentence of draft decision 10, on the protection of the heritage of indigenous people, should be deleted, since the technical meeting it requested had already taken place. The draft decision had no financial implications.

37. Draft decision 10, as amended, was adopted.

38. The CHAIRMAN drew attention to draft decision 12, which concerned the study on treaties, agreements and other constructive arrangements between States and indigenous populations.

39. Draft decision 12 was adopted.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

(agenda item 9) (continued) (E/CN.4/1997/L.37, L.55, L.59, L.60, L.62, L.64, L.66, L.67 and L.73)

Draft resolution on the protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) (E/CN.4/1997/L.37)

40. Mr. TYSZKO (Observer for Poland), introducing the draft resolution on behalf of its sponsors, said that it reflected the outcome of the Second International Consultation on HIV/AIDS and Human Rights and that representatives of people living with HIV/AIDS had cooperated in its preparation. The guidelines developed at the Consultation, which appeared in the annex to the draft resolution, were based on the conviction that the more human rights were protected, the less people became infected with HIV and the better they could cope with HIV/AIDS in their lives. He hoped that the draft resolution would be adopted without a vote.

41. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Germany, the United Kingdom and Uruguay and the observers for Guatemala and Togo had become sponsors of the draft resolution.

42. Draft resolution E/CN.4/1997/L.37 was adopted.

Draft resolution on the United Nations Decade for Human Rights Education (E/CN.4/1997/L.55)

43. Ms. THOMPSON (Observer for Costa Rica) said that, in view of the Commission's overloaded agenda, the draft resolution would defer consideration of the Decade to the Commission's fifty-fourth session. She hoped that the deferral would enable member States to complete the implementation of Commission resolution 1996/44.

44. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Bangladesh, Colombia, Madagascar, Republic of Korea, Ukraine and Uruguay and the observers for Australia, Equatorial Guinea and Israel had become sponsors of the draft resolution.

45. Draft resolution E/CN.4/1997/L.55 was adopted.

Draft resolution on regional arrangements for the promotion and protection of human rights (E/CN.4/1997/L.59)

46. Mr. COUVREUR (Observer for Belgium) said that regional efforts to improve the enjoyment of human rights and enhance cooperation with the United Nations included the reforms being implemented by the Council of Europe to unify monitoring mechanisms for the European Convention on Human Rights and to expedite the processing of communications; the discussions undertaken with a view to establishing an African court of human rights; the conclusion of a cooperation agreement between the United Nations and the Organization of American States (OAS); and the exchange of human rights information and education between the Centre for Human Rights and regional bodies.

47. The draft resolution closely reflected the provisions of General Assembly resolution 51/102, which had been adopted by consensus. He hoped that the draft resolution under consideration would also be adopted without a vote.

48. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Cape Verde, El Salvador, France, Madagascar, Netherlands, United Kingdom and Uruguay and the observers for Equatorial Guinea, Estonia, Malta, New Zealand and Venezuela had become sponsors of the draft resolution.

49. Draft resolution E/CN.4/1997/L.59 was adopted.

Draft resolution on preparations for the fiftieth anniversary of the Universal Declaration of Human Rights (E/CN.4/1997/L.60)

50. Mr. DEMBINSKI (Observer for Poland) said that the preparation of the draft resolution had been enriched by a seminar on the subject organized at Warsaw in January 1997.

51. At the request of the members of the African Group, a new paragraph 4 would be inserted to read:

> "4. Welcomes the proposal by the Government of Angola to host in 1998 the Organization of African Unity member States Ministerial Conference on Human Rights in Africa, in the context of the fiftieth anniversary of the Universal Declaration of Human Rights, pursuant to resolution 1673 (LXIV) adopted by the Council of Ministers of the Organization of African Unity at its sixty-fourth ordinary session, and requests the Secretary-General of the United Nations to consider favourably requests from the General Secretariat of the Organization of African Unity or the host country relating to the organization of the Conference."

52. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Algeria, Angola, Argentina, Bangladesh, Benin, Canada, Cape Verde, Egypt, Ethiopia, Gabon, Guinea, Ireland, Japan, Madagascar, Mali, Mozambique, South Africa, Uganda, Uruguay, Zaire and Zimbabwe and the observers for Equatorial Guinea, Greece, Portugal, Slovakia, the former Yugoslav Republic of Macedonia, Togo and Venezuela had become sponsors of the draft resolution.

53. Draft resolution E/CN.4/1997/L.60 was adopted.

Draft resolution on human rights and arbitrary deprivation of nationality (E/CN.4/1997/L.62)

54. Mr. ROGOV (Russian Federation), introducing the draft resolution, paid tribute to the foresight shown by the drafters of the Universal Declaration of Human Rights in including the right to nationality therein. It had become one of the basic standards in international and regional human rights instruments, and was considered a fundamental human right by judges and experts around the world.

55. In the dark days of his country's past, some citizens had been deprived of their nationality; such injustice had since been prohibited by the Constitution. Unfortunately, citizens in various other parts of the world continued to be arbitrarily deprived of their nationality. As the fiftieth anniversary of the Universal Declaration of Human Rights approached, the draft resolution before the Commission would reaffirm the fundamental dignity of human beings.

56. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Belarus, Colombia and Nicaragua, and the observers for Peru and Portugal had become sponsors of the draft resolution.

57. Draft resolution E/CN.4/1997/L.62 was adopted.

Draft resolution on human rights and thematic procedures (E/CN.4/1997/L.64)

58. Mr. SKODA (Czech Republic), introducing the draft resolution on behalf of its sponsors, said that it reflected the importance of the Commission's thematic procedures among its human rights mechanisms and emphasized close cooperation with Governments. It was based on Commission resolution 1996/46, which had been edited to give a more concise and better structured text.

59. Mrs. KLEIN (Secretary of the Commission) said that the representatives of the Russian Federation and Uruguay and the observers for Australia, Greece and Liechtenstein had become sponsors of the draft resolution.

60. Mr. J.A. FERNANDEZ (Cuba), supported by Ms. JANJUA (Pakistan), speaking in explanation of position, said that his delegation was willing to join the consensus on the draft resolution on the understanding that its adoption without a vote would be without prejudice to the other draft resolutions on thematic procedures sponsored by his delegation.

61. Draft resolution E/CN.4/1997/L.64 was adopted.

Draft resolution on internally displaced persons (E/CN.4/1997/L.66)

62. Mr. STROHAL (Austria), introducing the draft resolution on behalf of its sponsors, said it reflected the concern of the international community expressed in earlier resolutions of the Commission and General Assembly, and encouraged the representative of the Secretary-General to continue his valuable work.

63. Following informal consultations, the sponsors had made two changes. The first part of the ninth preambular paragraph would read:

> "Reaffirming the finding of the representative of the Secretary-General that a central coordination mechanism to assign responsibilities is essential in emergency situations where the Government of the country concerned is unable to discharge its normal responsibilities, and welcoming in this context ..."

In the fourth line of paragraph 6, the words "welcomes the preparation of guiding principles" would be replaced by "takes note of his preparations for guiding principles".

64. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Canada and the Russian Federation and the observers for Australia and Liechtenstein had become sponsors of the draft resolution.

65. Draft resolution E/CN.4/1997/L.66, as orally revised, was adopted.

Draft resolution on national institutions for the promotion and protection of human rights (E/CN.4/1997/L.67)

66. Mr. LANGMAN (Observer for Australia), introducing the draft resolution on behalf of its sponsors, said there was a growing belief that well-funded national human rights institutions could make a major contribution to the implementation and advancement of human rights. The draft resolution noted the importance of technical assistance from the Centre for Human Rights and of arrangements for national institutions to participate in an appropriate manner in meetings of the Commission, and encouraged the increase in activities at the regional level.

67. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Algeria, Argentina, Colombia, El Salvador, Indonesia, Italy and Sri Lanka and the observers for Equatorial Guinea, Estonia, Israel, Norway, Senegal, Spain, Sweden, the former Yugoslav Republic of Macedonia and Venezuela had become sponsors of the draft resolution.

68. Mr. COMBA (Centre for Human Rights) said that the costs associated with the holding of a fourth international workshop on national institutions and related meetings would, it was expected, be met from extrabudgetary contributions. Consequently, the draft resolution, if adopted, would not give rise to any additional requirements under section 21 of the programme budget for the 1996-1997 biennium.

69. Draft resolution E/CN.4/1997/L.67 was adopted.

Draft resolution on the development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights (E/CN.4/1997/L.73)

70. Mr. TOSCANO (Italy), introducing the draft resolution on behalf of its sponsors, said that it stressed the importance of activities to raise public awareness of human rights issues, and urged the Centre for Human Rights and the Department of Public Information to cooperate closely in the realization of information and publication programmes. The use of up-to-date computer and telecommunications technology was encouraged, and all Member States were requested to publicize the activities of the United Nations in the field of human rights, particularly within the framework of the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights and the United Nations Decade for Human Rights Education.

71. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Algeria, Belarus and Ecuador and the observers for Peru, Senegal and Slovenia had become sponsors of the draft resolution.

72. Draft resolution E/CN.4/1997/L.73 was adopted.

Draft resolution on human rights and terrorism (E/CN.4/1997/L.74)

73. Mr. MERIC (Observer for Turkey), introducing the draft resolution on behalf of its sponsors, said that it was unequivocal in its condemnation of terrorism and expressed serious concern at the gross violations of human rights by terrorist groups and at the growing connection between terrorist

groups and organized crime. It had been decided not to include a definition of terrorism, as that complex issue was being dealt with in another forum of the United Nations.

74. He wished to make it clear that, while the draft resolution in no way prejudiced the right of peoples under colonial or other forms of alien domination to take legitimate action to realize their inalienable right to self-determination, it could not be construed as encouraging any action that might have a negative effect on the territorial integrity or political unity of sovereign States.

75. There were two changes to be made to the text: in the fourteenth preambular paragraph, the comma after "international law" would be removed while, in the first and second lines of paragraph 4, the words "in conformity with relevant provisions of international law" would be replaced by "in strict conformity with international law".

76. Mr. DEMBRI (Algeria) drew attention to some editorial corrections to be made in the second, third and fourth preambular paragraphs of the Arabic text.

77. Mr. QAZI (Pakistan) said that his Government condemned terrorism in all its forms and supported international cooperation to combat that menace to civilized society. His delegation had thus become a sponsor of the draft resolution, on the understanding that it was without prejudice to the right to self-determination of peoples under colonial and other forms of alien domination. The definition of terrorism would have to be addressed since the absence of a definition would create serious legal complications in developing the international community's response.

78. Mr. HERNANDEZ BASAVE (Mexico), speaking in explanation of vote before the voting, said that his delegation was committed to the international struggle against terrorist acts and strongly supported the draft resolution. On the eleventh preambular paragraph, however, it took the view that violations of human rights could be attributed only to States and governmental agents - not terrorist groups. It fully supported the revised versions of the fourteenth preambular paragraph and paragraph 4, since it considered that the term "standards" referred to norms recognized under international law.

79. Mr. SALINAS RIVERA (Chile) said that, while his delegation would not oppose the draft resolution, it was firmly convinced that violations of human rights were institutional in nature and could be attributed only to States and their agents. The actions of terrorist groups, however grave and repugnant they might be, constituted criminal offences for which punishment should be provided under the law. To state, as the draft resolution did, that terrorist acts in themselves constituted violations of human rights amounted to a distortion of the concepts and could have a negative impact on the international system for human rights protection.

80. Mr. van WULFFTEN PALTHE (Netherlands), speaking on behalf of the European Union, said that the Union unequivocally condemned all acts, methods and practices of terrorism, but believed that the Sixth Committee of the General Assembly was the forum best suited for a thorough examination of the matter. The fight against terrorism remained a matter of the highest priority for the Union, whose territory and inhabitants had often been subjected to the unjustifiable acts of terrorist groups.

81. The existence of terrorism and of such acts, however, could not be invoked to justify human rights violations by any State and it was important that the fight against terrorism should be carried out in full respect for human rights and fundamental freedoms. The Union thus welcomed the inclusion, in the fourteenth preambular paragraph and paragraph 4, of an unequivocal reaffirmation that all measures to counter terrorism must be in strict conformity with international human rights standards, as well as the reaffirmation, in paragraph 5, that cooperation at the regional and international levels in the fight against terrorism had to be carried out in accordance with the relevant international instruments.

82. In connection with the eleventh preambular paragraph, the Union did not support the assertion that terrorist acts as such constituted human rights violations and did not consider that the paragraph conferred on terrorists any status under international law. The distinction between acts attributable to States and criminal acts was an important one.

83. However, despite its reservations, the Union would not stand in the way of the adoption of the draft resolution without a vote.

84. Mr. LOFTIS (United States of America) said that his delegation regretted that it was unable to vote for the draft resolution, although its Government was deeply committed to the international community's effort to combat terrorism and promote and safeguard human rights throughout the world. In attempting to serve both those causes, however, the draft resolution served neither well.

85. Terrorism could be more appropriately addressed in other United Nations forums, such as the Sixth Committee of the General Assembly. The 1994 Declaration on Terrorism adopted by that body remained the most comprehensive United Nations statement on the subject. The Commission's consideration of the issue only complicated that important work, while the attempt in the draft resolution to dictate the content of any future convention on terrorism was a misguided and counter-productive one.

86. His delegation had noted with concern the description in paragraph 2 of terrorist acts as "acts of aggression". That language, by echoing that used in Chapter VII of the Charter, could have unintended and negative consequences.

87. Terrorists clearly had no respect for human rights, but they were granted a measure of the legitimacy they sought when, as in the draft resolution, their criminal conduct was equated with that of States which violated human rights. In the zeal to denounce terrorist acts, care should be taken not to send misleading messages about the Commission's mandate or to hamper its ability to do its work.

88. In view of all those considerations, his delegation called for a vote on the draft resolution as orally revised.

89. Ms. REGAZZOLI (Argentina) said that her country had recently suffered two barbarous acts of terrorism and that her Government condemned all such acts, which constituted a threat. to democracy throughout the world. However,

like previous speakers, she took the view that only States and their agents could be deemed responsible for violations of human rights. To attribute such acts to terrorists was to elevate them to a status they did not deserve. It was unfortunate, therefore, that the eleventh preambular paragraph failed to distinguish between the responsibility of States and that of terrorist groups.

90. Mr. STEEL (United Kingdom), having endorsed the explanation of position made on behalf of the European Union, said he wished to make it clear that his Government did not accept the assertion in paragraph 4 of the draft resolution that terrorist acts were "acts of aggression". Those words, which had a specific meaning under the Charter, had been defined by the General Assembly in its resolution 3314 (XXIX) of 14 December 1974 and did not include terrorist acts. Criminal acts of terrorism must be clearly distinguished from acts of aggression attributable to States.

91. Ms. NOLKE (Canada) said her delegation would abstain during the voting on the draft resolution. While her Government unequivocally condemned acts of terrorism, it took the view that such acts did not constitute violations of human rights. She also agreed with the representative of the United Kingdom that acts of terrorism committed by individuals did not constitute acts of aggression which, under international law, could be committed only by States.

92. At the request of the representative of Ireland, a vote was taken by roll-call on the draft resolution.

93. The United States of America, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Bangladesh, Belarus, Benin, Bhutan, Brazil, Cape Verde, China, Colombia, Cuba, Egypt, Ethiopia, India, Indonesia, Ireland, Japan, Malaysia, Mali, Mozambique, Nepal, Pakistan, Philippines, Republic of Korea, Russian Federation, South Africa, Sri Lanka, Uganda, Uruguay.

Against: None.

Abstaining: Angola, Argentina, Austria, Bulgaria, Canada, Chile, Denmark, Dominican Republic, Ecuador, El Salvador, France, Gabon, Germany, Guinea, Italy, Madagascar, Mexico, Netherlands, Nicaragua, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Zimbabwe.

94. The draft resolution, as orally revised, was adopted by 28 votes to none, with 23 abstentions.

Draft resolution on integrating the human rights of women throughout the United Nations system (E/CN.4/1997/L.75)

95. Ms. MLACAK (Canada), introducing the draft resolution on behalf of its sponsors, said that there were two changes to be made to paragraph 11. In the fourth line, the word "the" would be inserted between "to provide training in" and "human rights of women", and the phrase "the gender aspect", in the ninth line, would be replaced by "the gender aspects".

96. Mrs. KLEIN (Secretary of the Commission) said that the representatives of the Dominican Republic, Italy, Japan, Netherlands, United Kingdom and United States of America and the observers for Latvia, Peru and Venezuela had become sponsors of the draft resolution.

97. The draft resolution was adopted.

Draft resolution on the elimination of violence against women (E/CN.4/1997/L.76)

98. Ms. MLACAK (Canada), introducing the draft resolution on behalf of its sponsors, said that there had been a technical omission in paragraph 9, subparagraph (b): between the words "whenever possible," and "pertaining to violence", the word "information" should be inserted. In order to bring the wording of subparagraph (h) of the same paragraph into line with that of Beijing Platform for Action, the word "immigration" in the third line, should be replaced by "immigrant" and the word "insured", in the last line, by "assured".

99. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Algeria, Benin, Cape Verde, Dominican Republic, France, Japan, Mexico, United Kingdom, United States of America, Uruguay and Zimbabwe and the observers for Belgium, Senegal, Togo and Venezuela had become sponsors of the draft resolution.

100. Miss HERNANDEZ QUESADA (Cuba) said that, while her delegation would not oppose adoption of the draft resolution, by consensus, it was concerned at the selective references to a restricted number of the Special Rapporteur's recommendations. Such urgent issues as the need to evaluate the impact of new technology and the communications revolution on violence against women were not mentioned at all, nor were the Special Rapporteur's recommendations on the effect of violence against women of the phenomena of migratory movements and racial discrimination. Moreover, paragraph 5 raised issues totally extraneous to the Commission's mandate.

101. It hoped that, when the topic of violence against women was being considered in the future, a more integrated approach would be taken and that sponsors of future draft resolutions on the issue would adopt a more flexible and cooperative approach to negotiations.

102. Mr. SABOIA (Brazil) said that, as a sponsor of the draft resolution which had not been consulted on the proposed amendment to paragraph 9, subparagraph (h), his delegation wished to state that the original wording seemed more logical. The new version seemed to imply that "immigrant" personnel were likely to commit gender-based acts of violence, which was certainly not the case.

103. Ms. GHOSE (India) said that, although her delegation strongly supported the Special Rapporteur's work, it had been unable to sponsor the draft resolution as it could not go along with the suggestion in paragraph 5 that a gender perspective could be applied to all the international crimes falling within the jurisdiction of the future International criminal court. It was

difficult to envisage, for example, the application of a gender perspective to crimes such as genocide. Unfortunately, an amendment proposed by her delegation to correct that imprecision had not been accepted by the sponsors.

104. Mr. de ICAZA (Mexico) said that his delegation - a sponsor of the draft resolution - had not been consulted on the proposed change, in paragraph 9, subparagraph (h), of the phrase "immigration personnel" to "immigrant personnel". If the sponsors insisted on that change, his delegation would be forced to withdraw its sponsorship, call for a vote on the subparagraph, and vote against it.

105. Ms. MLACAK (Canada) said that the change had been intended merely to bring the text into line with that of the Beijing Platform for Action, but her delegation would not press for its inclusion.

106. Mr. COMBA (Centre for Human Rights), explaining the financial implications of the draft resolution, said that, since it called for the extension of the Special Rapporteur's mandate, a provision of $128,000 would be included under section 22 of the proposed programme budget for 1998-1999 to cover travel, per diem and general operating expenses for the Special Rapporteur in Geneva and on field missions. The requirements for 1997 would be financed from within existing resources provided for Economic and Social Council mandates under section 21 of the approved programme budget for 1996-1997.

107. The draft resolution on the elimination of violence against women, as orally revised, was adopted.

The meeting rose at 6.15 p.m.